

Message Text

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ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 ACDA-07 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 EPG-02 COME-00 DODE-00
DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01
INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01
OES-07 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC PRIORITY 3660

C O N F I D E N T I A L USUN 1572

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: G-77 LOS MEETING

1. ON 18 MAY, CHRIS THOMAS, CHAIRMAN GROUP OF 77 SUBMITTED
TO PLENARY FOLLOWING ARTICLE 9 DRAFT AS AN AGREED TEXT FOR
THEIR POSITION ENTERING FORTHCOMING LOS CONFERENCE:

QUOTE

ARTICLE 9

ACTIVITIES IN THE AREA SHALL BE UNDERTAKEN IN SUCH A MANNER
AS TO FOSTER THE HEALTHY DEVELOPMENT OF THE WORLD ECONOMY AND A
BALANCED GROWTH IN INTERNATIONAL TRADE, TO PROMOTE INTERNATIONAL
CO-OPERATION FOR THE OVERALL DEVELOPMENT OF ALL COUNTRIES,
ESPECIALLY OF DEVELOPING COUNTRIES, AND TO ENSURE:

1) ORDERLY AND SAFE DEVELOPMENT AND RATIONAL MANAGEMENT OF THE
AREA AND ITS RESOURCES, AS WELL AS THE EFFICIENT CONDUCT OF
ACTIVITIES IN ACCORDANCE WITH GENERALLY ACCEPTED PRINCIPLES OF
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CONSERVATION, INCLUDING THE AVOIDANCE OF UNNECESSARY WASTE;

2) EXPANDING OPPORTUNITIES FOR PARTICIPATION IN SUCH ACTIVITIES
CONSISTENT WITH ARTICLES 11, 18 AND 23;

3) THE TRANSFER OF REVENUES AND OF TECHNOLOGY TO THE AUTHORITY;

4) THE EQUITABLE SHARING OF FINANCIAL AND OTHER ECONOMIC BENEFITS, TAKING INTO PARTICULAR CONSIDERATION THE INTERESTS AND NEEDS OF THE DEVELOPING COUNTRIES, IN ACCORDANCE WITH ARTICLE 26 AND CONSISTENT WITH ARTICLES 11, 18 AND 23. SUCH SHARING SHALL TAKE INTO ACCOUNT THE RIGHTS OF PEOPLES AND COUNTRIES AS PROVIDED FOR IN THE TRANSITIONAL PROVISION;

5) JUST, STABLE AND REMUNERATIVE PRICES FOR RAW MATERIALS ORIGINATING IN THE AREA WHICH ARE ALSO PRODUCED OUTSIDE THE AREA, AND PROMOTION OF EQUILIBRIUM BETWEEN SUPPLY AND DEMAND;

6) SECURITY OF SUPPLIES TO CONSUMERS OF RAW MATERIALS ORIGINATING IN THE AREA WHICH ARE ALSO PRODUCED OUTSIDE THE AREA;

7) PROTECTION OF DEVELOPING COUNTRIES FROM ANY ADVERSE EFFECTS ON THEIR ECONOMIES OR ON THEIR EARNINGS RESULTING FROM A REDUCTION IN THE PRICE OF AN AFFECTED MINERAL OR IN THE VOLUME OF THAT MINERAL EXPORTED, TO THE EXTENT THAT THEY ARE CAUSED BY ACTIVITIES IN THE AREA, THROUGH THE MEASURES SPECIFIED BELOW:

(I) FACILITATING, THROUGH EXISTING FORUMS OR SUCH NEW ARRANGEMENTS OR AGREEMENTS AS MAY BE APPROPRIATE AND IN WHICH ALL INTERESTED PARTIES PARTICIPATE, MEASURES NECESSARY TO ACHIEVE THE GROWTH, EFFICIENCY AND STABILITY OF MARKETS FOR THOSE CLASSES OF COMMODITIES PRODUCED FROM THE AREA, AT PRICES REMUNERATIVE TO PRODUCERS AND FAIR TO CONSUMERS. ALL PARTIES SHALL CO-OPERATE TO THIS END. THE AUTHORITY SHALL HAVE THE RIGHT TO PARTICIPATE IN ANY COMMODITY CONFERENCE DEALING WITH THE CATEGORIES OF MINERALS PRODUCED IN THE AREA. THE AUTHORITY
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SHALL HAVE THE RIGHT TO BECOME A PARTY TO ANY SUCH ARRANGEMENT OR AGREEMENT RESULTING FROM SUCH CONFERENCES AS ARE REFERRED TO ABOVE. THE PARTICIPATION BY THE AUTHORITY IN ANY ORGANS ESTABLISHED UNDER THE ARRANGEMENT OR AGREEMENTS REFERRED TO ABOVE SHALL BE IN RESPECT OF THE PRODUCTION IN THE AREA AND IN ACCORDANCE WITH THE RULES OF PROCEDURE ESTABLISHED FOR SUCH ORGANS. IN CARRYING OUT THE DECISIONS TAKEN BY SUCH ORGANS, THE AUTHORITY SHALL ASSURE THE UNIFORM AND NON-DISCRIMINATORY IMPLEMENTATION OF SUCH DECISIONS IN RESPECT OF ALL PRODUCTION IN THE AREA OF THE MINERALS CONCERNED;

(II) (A) THE AUTHORITY SHALL, IN ORDER TO REGULATE TOTAL PRODUCTION OF EACH MINERAL FROM THE AREA, ENSURE THAT THE ANNUAL PRODUCTION FROM THE AREA OF THOSE MINERALS IN A SINGLE YEAR SHALL NOT EXCEED ONE HALF OF THE AVERAGE ANNUAL INCREASE IN WORLD CONSUMPTION OF THE MINERAL CONCERNED DURING THE PRECEDING 10 YEARS FOR WHICH THE MOST RECENT DATA ON CONSUMPTION ARE AVAILABLE; PROVIDED, HOWEVER, THAT IN ORDER TO REGULATE TOTAL PRODUCTION OF MINERALS FROM NODULES IN THE AREA, THE AUTHORITY

SHALL LIMIT THE RATE OF RECOVERY OF NODULES SO AS TO ENSURE THAT
THE ANNUAL PRODUCTION OF NICKEL METAL FROM THE AREA IN A
SINGLE YEAR SHALL NOT EXCEED ONE HALF OF THE AVERAGE ANNUAL
INCREASE IN CONSUMPTION OF NICKEL DURING THE PRECEDING 10 YEARS;

(B) REGULATORY MEASURE TAKEN PURSUANT TO SUB-PARAGRAPH (A) SHALL
BE WAIVED OR MODIFIED IF THE SUPPLY IS NOT IN ACCORDANCE WITH
THE PROVISIONS OF PARAGRAPH 5;

(III) THE AUTHORITY SHALL ESTABLISH A SYSTEM FOR COMPENSATING
DEVELOPING COUNTRIES FOR SHORT-FALLS FROM A REFERENCE LEVEL TO BE
DETERMINED BY THE ECONOMIC PLANNING COMMISSION, IN THEIR
EXPORT EARNINGS FROM MINERALS WHICH ARE ALSO PRODUCED IN THE
AREA OR OTHERWISE AFFECTED BY SUCH PRODUCTION, WHEREBY
DEVELOPED CONSUMING COUNTRIES, AS WELL AS PERSONS NATURAL OR
JURIDICAL OF THE NATIONALITY OF SUCH COUNTRIES THAT HAVE ENTERED
INTO CONTRACTS FOR EXPLORATION AND EXPLOITATION
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OF THE AREA, SHALL CONTRIBUTE THE FUNDS NECESSARY FOR EFFECTIVE
DIVERSIFICATION OF THE ECONOMIES OF THE DEVELOPING
COUNTRIES CONCERNED.

UNQUOTE

2. THIS IS BASICALLY THE SAME ARTICLE 9 AS DRAFTED BY THE
GROUP OF 77 ON 30 SEPTEMBER 1976 WITH THE EXCEPTION
OF CHANGES TO PARAGRAPHS 1 AND 4.
LEONARD

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